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In re Application of :
KRENIK, et al. :
Application No. 10/679,818 : DECISION ON PETITION
Filed: October 6, 2003 :
Attorney Docket No. TI-35681 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 2, 2007, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 31, 2006. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is July 1, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal along with an Appeal Brief; (2) the petition fee of $1500; and (3) an adequate statement of unintentional delay.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center Art Unit 2617 for further prosecution.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions